

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : 13 Cr. 345 (LGS)

- against - : **DECLARATION OF JOSHUA L.**

ANTOINE CHAMBERS, : **DRATEL, ESQ., IN SUPPORT OF MR.**

Defendant. : **CHAMBERS'S MOTION, PURSUANT**

TO RULE 38(b)(2), FED.R.CRIM.P.,
FOR AN ORDER RECOMMENDING
LOCAL CONFINEMENT PENDING
MR. CHAMBERS'S DIRECT APPEAL

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Joshua L. Dratel, Esq., pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am an attorney, and I represent defendant Antione Chambers in the above-captioned case. I make this Declaration in support of Mr. Chambers's motion pursuant to Rule 38(b)(2), Fed.R.Crim.P.,¹ for an Order recommending that Mr. Chambers be confined locally at either the Metropolitan Correctional Center ("MCC") or the Metropolitan Detention Center ("MDC") in New York City pending his direct appeal.

2. Mr. Chambers was sentenced to a term of 240 months on Counts 1, 2, and 3 of the Superseding Indictment against him, to run concurrently, on December 21, 2015.²

¹ Pursuant to Rule 38(b)(2), Fed.R.Crim.P., "[i]f the defendant is not released pending appeal, the Court may recommend to the Attorney General that the defendant be confined near the place of the trial or appeal for a period reasonably necessary to permit the defendant to assist in preparing the appeal."

² Although Judgment in this case has not yet been imposed, counsel files this motion in light of the time constraints arising from the limited window of time before an inmate is designated and transferred to another facility following sentencing.

3. Mr. Chambers is currently housed at the MCC, pending designation by the Bureau of Prison's Designation Sentencing and Computation Center.

4. Mr. Chambers will continue to be represented by the Law Offices of Joshua L. Dratel, P.C., located in New York City, pursuant to CJA appointment, on his direct appeal to United States Court of Appeals to the Second Circuit.

5. The appeal issues in this case are fact-intensive and will require substantial communication with Mr. Chambers, who, as the Court is aware, has been actively involved in preparing the defense of the case, and thus make access to Mr. Chambers during the appellate process a priority for counsel.

6. Mr. Chambers must therefore have frequent in person contact with his attorneys in order to assist in preparing his appeal.

7. I have communicated with Assistant United States Attorney Amy Lester and she has informed me that the government takes no position with respect to this request.

8. On the foregoing basis, it is respectfully prayed that the Court Order the Bureau of Prisons to recommend that Mr. Chambers be confined locally (at MCC or MDC) pending disposition of the direct appeal.

WHEREFORE, it is respectfully requested that the Court grant Mr. Chambers's Motion in its entirety.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed December 29, 2015.

/s/ Joshua L. Dratel

JOSHUA L. DRATEL